IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.875 OF 2006
IN
CRIMINAL APPEAL NO.760 OF 2006

Milind Gangadhar Waskar & Anr. ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri Vikas Shiverkar for Shri Sachin Thombare for the Applicants.
Shri Rajesh More, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 15, 2006.

P.C.:

1. Heard the Advocates appearing for the parties.

Appeal against conviction has been admitted. The conviction of the Applicants is under sections 498-A, 306 of Indian Penal Code. The sentences have been ordered to run concurrently. The maximum substantive sentence awarded is of four years.

2. I have perused the notes of evidence and the impugned judgment. Considering the large pendency of the Criminal Appeals in this Court, it is unlikely that the Appeal will be heard before the completion of period of substantive sentence. There are no exceptional circumstances warranting rejection of the Bail Application especially when the Applicants were on

bail throughout the trial and no allegation of misuse of liberty has been made by the prosecution.

3. In view of decision of the Apex Court in the case of **Bhagwan Rama Shinde & Ors. Vs. State of Gujarat ((1990) 4 Supreme Court Cases Page 421)**, a case is made out for grant of bail.

4. Hence, Application is disposed of by passing following order:

(i) The Applicants shall be enlarged on the same bail on which they were enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) The bail is granted subject to condition that the Applicants will report to Hadpasar Police Station, Pune once in a month till the disposal of the Appeal.

JUDGE